

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHAD PELISHEK,

Plaintiff,

CONFIDENTIAL

-vs-

Case No. 2:23-CV-1048

CITY OF SHEBOYGAN, et al.,

Defendants.

Examination of CHAD PELISHEK, taken at
the instance of the Defendants, under and pursuant to
the applicable Rules of Civil Procedure, before
SAMANTHA J. SHALLUE, a Registered Professional
Reporter and Notary Public in and for the State of
Wisconsin, at MWH Law Group, 735 North Water Street,
Suite 610, Milwaukee, Wisconsin, on July 31, 2024,
commencing at 10:10 a.m. and concluding at 4:49 p.m.

HUDSON COURT REPORTING & VIDEO

(800) 310-1769

1 BY MS. MURPHY:

2 Q Okay. Did you talk with him about the racial
3 slur incident that occurred on August 22 of
4 2022 prior to filing your lawsuit?

5 A I did.

6 Q When did that occur?

7 A Probably in September or October when the --
8 the first article came out in '23. '23. No,
9 '22.

10 Q So the first article came out October 10th.

11 A Of 2022.

12 Q So you talked to him before that?

13 A Yes.

14 Q And what did that conversation consist of?

15 A I just repeated what happened with the racial
16 slur and --

17 Q What did he say?

18 A He was surprised, but he knew that it -- he
19 knows what my character is, and he knew that it
20 was not intended to be what was actually said.

21 Q Was that an in-person or by phone conversation?

22 A In-person.

23 Q Did you have any e-mail communications with
24 Russ Otten?

25 A No.

1 Q Any texts about the incident?

2 A No.

3 Q Any other instant messaging or written form of
4 communication with Russ Otten?

5 A Nope, only in person.

6 Q Okay. How many times before you filed your
7 amended complaint do you think you talked with
8 Russ Otten about it?

9 MS. DeMASTER: Objection; asked and
10 answered.

11 THE WITNESS: I don't know. I
12 believe 75 to 100.

13 BY MS. MURPHY:

14 Q Do you and Russ Otten socialize?

15 A Yes.

16 Q What do you do when you socialize?

17 A Go out to dinner, have bonfires.

18 Q How frequently would you say you were
19 socializing with Russ Otten in the fall of
20 2022?

21 A Not much. One or two times.

22 Q And how about in 2023?

23 A I -- 12 to 16, 12 to 20, something like that.

24 Q So you've said you've talked to him about the
25 allegations in the complaint maybe 50 times and

1 you talked to him before you filed the
2 complaint 75 to 100 times. So when would you
3 be seeing him that frequently if you were
4 talking in person?

5 A Picking up our kids at school.

6 Q Okay. So most of those conversations occurred
7 while you were picking up your kids at school?

8 A Hm-hm.

9 Q How long have you known Aaron Guenther?

10 A Less than a year.

11 Q And how did you first get introduced to him?

12 A He reached out to me after the complaint was
13 originally filed.

14 Q How many times have you talked with him about
15 the allegations in your amended complaint,
16 whether it was before or after you filed the
17 complaint?

18 MS. DeMASTER: I'm going to just
19 object to this, these questions about the
20 allegations in his amended complaint. There's
21 a lot of allegations in there.

22 MS. MURPHY: Yep.

23 MS. DeMASTER: Can you be more
24 specific or if this -- I'm just going to object
25 that this is a little overbroad, but subject to

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHAD PELISHEK,

CONFIDENTIAL

Plaintiff,

VOLUME II

-vs-

Case No. 2:23-CV-1048

CITY OF SHEBOYGAN, et al.,

Defendants.

Examination of CHAD PELISHEK, taken at the instance of the Defendants, under and pursuant to the applicable Rules of Civil Procedure, before SAMANTHA J. SHALLUE, a Registered Professional Reporter and Notary Public in and for the State of Wisconsin, at MWH Law Group, 735 North Water Street, Suite 610, Milwaukee, Wisconsin, on September 12, 2024, commencing at 9:08 a.m. and concluding at 4:59 p.m.

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1 Adams edited the Hall investigation report?

2 MS. DeMASTER: Objection; form.

3 Subject to that, you can answer.

4 BY MS. MURPHY:

5 Q Well, you allege in your answer to -- your
6 amended and supplemental answer to City
7 Interrogatory 4 that one of the things that
8 City Attorney Adams did was hire Hall and work
9 with her to protect and exonerate Rendall and
10 edited her report to make it seem as though you
11 had made an unsolicited racial slur. What
12 evidence do you have to support that
13 allegation?

14 A The evidence I have is Attorney Adams coming
15 into management team meetings on three
16 occasions and stating that he is working with
17 Hall to edit the report.

18 Q Give me the dates of those meetings.

19 A I can't recall the actual dates.

20 Q But sometime before her report was issued --

21 A Yes.

22 Q -- and after she was hired, correct?

23 A Correct.

24 Q During department head meetings?

25 A Yes.

1 MS. DeMASTER: Objection; badgering.
 2 It's asked and answered.
 3 THE WITNESS: No, I don't have any
 4 evidence to prove that because I wasn't in the
 5 closed sessions.
 6 BY MS. MURPHY:
 7 Q Correct. And even if he had encouraged the
 8 common council to fire Todd Wolf, how is that a
 9 violation of your right to equal protection
 10 under the law?
 11 MS. DeMASTER: Objection; form. You
 12 can answer.
 13 THE WITNESS: I don't have an answer.
 14 BY MS. MURPHY:
 15 Q Okay. Then you make a statement that he was
 16 the final word on items published for public
 17 records and redactions. What public records
 18 that were provided in response to open records
 19 requests are you talking about in that
 20 sentence?
 21 A Just in general. It was a general practice
 22 that any public records requests had to go to
 23 the city attorney's office, and the city
 24 attorney was the final call on what was
 25 released, and employees had no idea what was

1 sent out to the public.
 2 Q Okay. And so you're not referring to any
 3 specific document in relation to that
 4 allegation?
 5 A Can you reference the sentence?
 6 Q Sure. It's the second-to-last sentence in the
 7 middle paragraph of your answer to the
 8 Individual Interrogatory No. 2 that starts with
 9 "Final word on items published," and I can just
 10 read it into the record. You allege that City
 11 Attorney Adams was the "final word on items
 12 published for public records and redactions and
 13 that he chose to publish things that hurt
 14 plaintiff and Todd Wolf and exonerated only a
 15 female and homosexual publicly despite
 16 plaintiff's repeated requests." So I'm just
 17 trying to find out if there are any specific
 18 documents that you are referring to in relation
 19 to that allegation.
 20 A There's no specific documents, but there's
 21 requests.
 22 Q I'm sorry, I don't understand. There were open
 23 records requests? Is that what you're saying?
 24 A There were repeated requests to have the City
 25 release something to exonerate me in that -- in

1 the stuff that was published previously.
 2 Q Repeated requests by whom?
 3 A Me.
 4 Q To who?
 5 A City officials.
 6 Q List them for me.
 7 A Ryan Sorenson, Adam Westbrook.
 8 Q Anyone else?
 9 A No.
 10 Q And any response by City Attorney Adams to open
 11 records requests, how would a response to an
 12 open records request be a violation of your
 13 right to equal protection under the law?
 14 MS. DeMASTER: Objection to form.
 15 THE WITNESS: I can't answer that.
 16 BY MS. MURPHY:
 17 Q Have we talked about all of the allegations
 18 that you assert against City Attorney Adams
 19 where you allege that he either harassed you,
 20 discriminated against you or violated your
 21 right to equal protection under the law?
 22 MS. DeMASTER: Objection; form.
 23 THE WITNESS: I believe so.
 24 MS. MURPHY: Okay. This is a perfect
 25 time for a break.

1 (Brief recess taken.)
 2 MS. MURPHY: We can go back on the
 3 record.
 4 BY MS. MURPHY:
 5 Q I'm going to have you take a look back at your
 6 amended and supplemental answer to City
 7 Interrogatory No. 4.
 8 MS. DeMASTER: I'm sorry, you said
 9 City?
 10 MS. MURPHY: Yep.
 11 BY MS. MURPHY:
 12 Q And specifically in relation to your
 13 allegations against Mayor Sorenson. Does your
 14 amended and supplemental answer to
 15 Interrogatory No. 4 include all of the conduct
 16 that you allege Mayor Sorenson engaged in that
 17 created a hostile work environment for you?
 18 A I believe so.
 19 Q What information do you have that Mayor
 20 Sorenson knew of Ms. Rendall-Araujo's purported
 21 anti-male motivation and the City's
 22 anti-straight white male bias?
 23 A Well, Ms. Rendall-Araujo was at a public
 24 meeting and had stated that her goal in life is
 25 to dismantle the patriarch and take males out

1 of leadership positions.
 2 Q When was that?
 3 A I don't know the actual date.
 4 Q Were you present at that meeting?
 5 A I was not.
 6 Q Well, then how do you know that she made that
 7 statement?
 8 A I've seen it written.
 9 Q Where did you see it written?
 10 A A social media post.
 11 Q What social media post?
 12 A I can't say which one. I believe Facebook.
 13 Q What Facebook? Where was it posted?
 14 A I can't recall the exact name of the page.
 15 Q So you've never heard her make that statement,
 16 correct?
 17 A I have not.
 18 Q Okay. What was -- but my question is what
 19 information do you have that Mayor Sorenson
 20 knew of Ms. Rendall-Araujo's purported
 21 anti-male motivation?
 22 MS. DeMASTER: Objection; asked and
 23 answered.
 24 THE WITNESS: I don't have an answer
 25 on that.

1 outside people to have them e-mail their
 2 council members about my actions related to the
 3 August 22nd meeting.
 4 Q Is that the extent of the information you have
 5 to support your allegation?
 6 MS. DeMASTER: Objection as to form.
 7 THE WITNESS: I believe so.
 8 BY MS. MURPHY:
 9 Q Okay. You then have an allegation that says
 10 "did not stop city attorney." What are you
 11 referring to in relation to conduct that Mayor
 12 Sorenson purportedly engaged in that was
 13 hostile towards you?
 14 A Well, the city attorney has repeatedly said
 15 that he doesn't -- he reports to the council,
 16 and he is elected by the constituents of the
 17 City of Sheboygan. Likewise, the mayor is the
 18 same way. So nobody could really tell City
 19 Attorney Adams to stop doing what he was doing
 20 except maybe the mayor because they were both
 21 elected officials.
 22 Q What do you claim Mayor Sorenson failed to stop
 23 the city attorney from doing?
 24 A He failed to stop the -- the -- the false
 25 narratives and the -- the information that

1 BY MS. MURPHY:
 2 Q So you don't have any information to support
 3 that allegation?
 4 MS. DeMASTER: Objection; misstates
 5 the testimony.
 6 BY MS. MURPHY:
 7 Q Do you have any information to support that
 8 allegation?
 9 MS. DeMASTER: Objection; asked and
 10 answered.
 11 THE WITNESS: I don't believe so.
 12 BY MS. MURPHY:
 13 Q Okay. What information do you have to support
 14 your allegation that the mayor had knowledge of
 15 the City's purported anti-straight white male
 16 biases?
 17 A And you -- where do you see that in here?
 18 Q Under the first line of your allegations
 19 against Mayor Sorenson in your amended and
 20 supplemental response to City Interrogatory
 21 No. 4.
 22 A The information I have related to that is at
 23 the council meeting when -- at one of the
 24 council meetings when I believe Todd was put on
 25 leave there was information that was shared to

1 happened on August 22nd.
 2 Q The city attorney didn't speak to the media,
 3 correct?
 4 A I don't know that.
 5 Q Do you have any information that he did?
 6 A I can't answer that.
 7 Q Well, you can. You either have information
 8 that the city attorney talked to the media or
 9 you don't have information that the city
 10 attorney talked to the media. Which is it?
 11 A I don't know.
 12 Q You don't know if you have information about
 13 whether the city attorney talked to the media?
 14 MS. DeMASTER: Objection as to form.
 15 You can answer if you know.
 16 BY MS. MURPHY:
 17 Q Well, no one's going to know besides you, so..
 18 A Do I have information?
 19 Q Yeah.
 20 A I've heard information.
 21 Q What have you heard?
 22 A As in related to what he said to the media?
 23 Q What have you heard that the city attorney
 24 spoke to the media about regarding the racial
 25 slur incident?

1 friends after the racial slur episode. I don't
2 know what the extent of those comments were,
3 but they were people from the public.

4 BY MS. MURPHY:

5 Q Any other information to support that
6 allegation?

7 A I don't believe so.

8 Q Okay. What information do you have to support
9 your allegation that Emily told the City that
10 you made repeated slurs like "colored people"?

11 A It was information that was in the
12 whistleblower complaint as well as Alderperson
13 Filicky-Peneski calling me and telling me to
14 stop using the term "colored people."

15 Q Did Alder Filicky-Peneski tell you that Emily
16 told her that you had used that word?

17 A She did not.

18 Q Where did Janet Duellman see Emily meeting with
19 Maya Hilty?

20 MS. DeMASTER: Objection; form.

21 THE WITNESS: In her office in the
22 mayor's suite when her office was in city hall.

23 BY MS. MURPHY:

24 Q And her office was the mayor's conference room
25 at that time?

1 employees after plaintiff submitted his
2 resignation"?

3 A I believe it was an e-mail.

4 Q Do you recall the date of the e-mail?

5 A I do not.

6 Q And who was the e-mail to?

7 MS. DeMASTER: Objection; form.

8 THE WITNESS: I believe department
9 heads.

10 BY MS. MURPHY:

11 Q So when you say "issued letter to employees,"
12 the employees you're referring to are city
13 department heads?

14 A I can't confirm that for sure.

15 Q Okay. What do you contend Mr. Westbrook said
16 in that e-mail that implied that you may have
17 left the City for misconduct?

18 A I believe the letter -- the correspondence or
19 e-mail referenced the stuff that -- the
20 information that was put in my resignation
21 letter and the stuff that had happened up to
22 this point.

23 Q What information that was in your resignation
24 letter do you contend implied that you may have
25 left for misconduct?

1 that he implied that you left because of
2 misconduct?

3 MS. DeMASTER: Objection as to form.

4 THE WITNESS: I don't have an answer.

5 BY MS. MURPHY:

6 Q So as you sit here today you don't have any
7 evidence or information to support your
8 allegation that Mr. Westbrook sent a
9 communication implying that you left because of
10 misconduct?

11 MS. DeMASTER: Objection; misstates
12 the testimony.

13 THE WITNESS: I've had correspondence
14 with another City employee after the fact that
15 he referenced the fact that I -- that there was
16 comments made that I was leaving the City and
17 that there may have been some misconduct.

18 BY MS. MURPHY:

19 Q And so you believe that that information was
20 sent in a letter or some sort of written
21 communication to employees?

22 A Yes.

23 Q Okay. What City employee told you that?

24 A Derek Muench.

25 Q Do you have any other information besides a

1 A The -- the reporting of racism and the -- and
2 the whole process related to that.

3 Q I'm just lost on what you're trying to tell me,
4 so are you alleging that Mr. Westbrook shared
5 information that you included in your
6 resignation letter with the city department
7 heads?

8 A I don't know that.

9 Q Okay. And the only reason I ask that is you
10 said that the e-mail referenced information
11 that you put in your resignation letter. So
12 I'm just trying to understand what in your
13 resignation letter -- which you wrote, right --
14 would have implied that you left because of
15 misconduct?

16 MS. DeMASTER: Objection as to form;
17 foundation. You can answer if you know.

18 THE WITNESS: I don't know.

19 BY MS. MURPHY:

20 Q Well, you don't think you included anything in
21 your resignation letter where you inferred that
22 you were leaving for misconduct, right?

23 A Correct.

24 Q Okay. So can you tell me what Mr. Westbrook
25 communicated that you are relying on to say

1 communication with Derek Muench that -- to
2 support this allegation?

3 A I don't believe so.

4 Q Okay. The next allegation of misconduct you
5 have in relation to Mr. Westbrook is that he
6 "would not release or encourage release of any
7 statement that plaintiff was reporting racism
8 and the context where he was asked to repeat
9 the slur so the public would not think he was a
10 racist anymore." What information do you have
11 to support that allegation?

12 A Meetings in my office with him.

13 Q Okay. So what statements do you claim he made
14 to you in meetings in your office? Was it your
15 office or his office that you were meeting in?

16 A He came into my office.

17 Q Okay. So what -- what do you claim he said
18 during those meetings?

19 A The first time I said that I wanted to file a
20 complaint against Emily for what was going on,
21 and he told me that I couldn't do that because
22 I just needed to play it out and that it had
23 happened prior and that he couldn't fix what
24 happened in the past and release any context
25 related to that.

1 meeting?

2 A I don't recall.

3 Q So as you sit here today you don't recall him

4 saying anything?

5 MS. DeMASTER: Objection; asked and

6 answered.

7 THE WITNESS: I don't recall him

8 saying anything.

9 BY MS. MURPHY:

10 Q Okay. So what did Adam say during that

11 meeting?

12 A He referenced the fact that there was

13 discussion in the Hall investigation about the

14 demand for money at the -- with the DEI group

15 and that that didn't align with the testimony

16 that I had previously told him, and he was

17 trying to -- he was trying to understand which

18 information was correct.

19 Q And how did you respond?

20 A I think I then responded that it'll have to be

21 figured out in court.

22 Q Did either of you say anything else during that

23 meeting?

24 A I don't believe so. I don't know.

25 Q Did you record that meeting?

1 your office or shortly thereafter?

2 A You're not going to let me see the notes to

3 refresh my memory?

4 Q Well, I don't think you need them to answer

5 that question which is why I'm not giving them

6 to you.

7 A Then I don't think I'm going to answer that

8 question.

9 Q You don't have a choice.

10 MS. DeMASTER: Sorry, just to

11 clarify, you're just asking, like, when he

12 wrote the notes?

13 MS. MURPHY: When he wrote the notes.

14 THE WITNESS: The notes are dated.

15 BY MS. MURPHY:

16 Q March 7, 2023, at 12:00 p.m. is what you -- I

17 assume that's when the meeting took place.

18 A I would have probably -- at that point I was

19 not writing the notes during the day. I was

20 writing sticky notes and taking them home and

21 doing it in the evening.

22 Q Okay. So you would have written this note

23 after you got home that night?

24 A Probably.

25 Q Okay. I'm handing you your notes and I'm

1 A I did not. I just want to clarify that I had

2 hoped that that Hall investigation was going to

3 be released, number one, without names because

4 we were led to believe by Attorney Adams that

5 the names would be redacted, and the names were

6 not redacted, and when I read the report and it

7 said that I uttered a racial slur with no

8 context to that I felt that this -- and read

9 further that it was retaliation against -- it

10 was an investigation into Todd Wolf's things

11 against Emily for retaliation, and there was no

12 exoneration in that report over what I had

13 said. I at that point realized that the stress

14 and panic and anxiety and stuff was so much

15 that I needed to do something major, and it's

16 what led to the FMLA.

17 Q So this meeting occurred on March 7th of 2023

18 according to your notes Bates stamped

19 PELISHEK000316. When did you write down what

20 happened during that meeting?

21 A Can I see the notes?

22 Q Maybe. Can you tell me when you wrote down

23 what happened during this meeting?

24 A I can't tell you for sure.

25 Q So did you write it down when you got back to

1 referring you to PELISHEK000316 for the entry

2 on March 7, 2023, and ten lines down you say

3 that you said to Adam "Will the City be

4 redacting the names?" "Adam said, 'No. Chuck

5 said the names have been out there previously

6 and there would be no reason to redact the

7 names.'" Did I read that accurately?

8 A Yes.

9 Q And these were written the night this meeting

10 occurred on the day the meeting occurred,

11 correct?

12 A I believe so, but to clarify I would say that

13 Chuck -- that I wrote what Adam -- Adam was

14 saying that Chuck said that the names had been

15 out there previously and that there was no

16 reason to redact the names.

17 Q So you were told during that meeting that the

18 names would not be redacted, correct?

19 A During that meeting, yes, but prior we had been

20 told they were going to be redacted.

21 Q Okay. So that refreshes your recollection

22 about what was said during the March 7th

23 meeting about redactions in the Hall report,

24 correct?

25 A Clarifying. On redactions in the Hall report

1 related to the names?

2 Q Yep. You were told during that meeting on

3 March 7th that the names would not be redacted

4 from the Hall report, correct?

5 A Yes.

6 Q All right. And what do you think was -- was

7 false in the Hall report?

8 A Do you have a copy of the Hall report?

9 Q You've said there are false statements in the

10 Hall report. What false statements are there?

11 A I'm not going to -- if you can provide a copy

12 of the Hall report, I'll be happy to show you,

13 but it's related to the utterance of the racial

14 slur and the way that it's written it doesn't

15 provide any context.

16 Q The context had been provided repeatedly in the

17 media articles, correct?

18 MS. DeMASTER: Objection; misstates

19 testimony and form.

20 THE WITNESS: If you believe the

21 newspaper, sure.

22 BY MS. MURPHY:

23 Q Well, weren't you worried about people

24 believing the newspaper?

25 A Well, don't you think people would believe a

1 publicly attribute untoward motives toward" --

2 oh, not that. Stopping before that sentence.

3 Q Okay. So you believe that the first two

4 sentences of the third paragraph on Page 4 of

5 Ms. Hall's report refer to you and are

6 inaccurate?

7 A That is correct.

8 Q Okay. Anything else?

9 A So that it's not -- the other one is not

10 directly related to me, although it says "No

11 attendee of the August 5, 2022, meeting except

12 Wolf provided evidence supporting Wolf's claim

13 that the women demanded \$70,000 from the City."

14 Q Anything else? Oh, and that's at Page 5?

15 A Page 5 of 6.

16 Q Page 5 of 6, the fourth paragraph, correct?

17 I'm counting the blocked one as a paragraph.

18 A Yes.

19 Q Okay. Anything else?

20 A It's the insinuation on Page -- where it uses

21 the word "utterance."

22 Q What page are we talking about?

23 A Page 3 of 6, the last sentence of the third

24 paragraph.

25 Q Read the sentence to me.

1 private investigation done by an outside law

2 firm that was hired by the common council to

3 investigate conduct of office over what a

4 newspaper article that's getting her

5 information secondhand is writing?

6 Q So now -- I'm going to withdraw that question.

7 (Exhibit No. 24 was marked.)

8 BY MS. MURPHY:

9 Q Mr. Pelishek, you have been handed Exhibit 24

10 which is a copy of the Hall report dated

11 February 6 of 2023. I would like you to take a

12 review of this report and tell me what

13 information in here is factually inaccurate

14 about you.

15 A The statement on Page 4 that says "However, in

16 the course of the investigation, no attendee of

17 the August 22, 2022, meeting, including

18 Mr. Pelishek himself, supported Wolf's repeated

19 assertion that Ms. Rendall-Araujo demanded that

20 Mr. Pelishek repeat the racial slur. Evidence

21 suggests that Ms. Rendall-Araujo told Wolf on

22 August 24, 2022, that she went to her friends

23 group for advice on how to address the issue of

24 the director's use of the racial slur.

25 Evidence also suggests that Wolf continued to

1 A "Evidence suggests that Ms. Rendall-Araujo

2 reported only to a group of five people on

3 August 22, 2022, but did not talk with the

4 media at any time of the matter of Pelishek

5 uttering a racial slur on August 22 of 2022."

6 Q Okay. Is that -- have you read the entire

7 report, and is that everything that you believe

8 includes information that --

9 A There's another reference to that up in the

10 first paragraph on that same page. "Among

11 other topics, he talked extensively about

12 personnel matters and discipline regarding a

13 director who disclosed Pelishek's utterance of

14 a racial slur in the media."

15 Q Can you just show me where you're referring to?

16 A (Witness indicates.)

17 Q Okay. Is that everything that you found in the

18 report that you take issue with?

19 A I believe so.

20 Q Okay. So let's start with the first bullet on

21 Page 3, the one you just talked about, "Among

22 other topics, he talked extensively about

23 personnel matters." "He" is Mr. Wolf in that

24 sentence, correct?

25 A Yes.

1 is on Page 5 of 6 where you say --
 2 MS. DeMASTER: Just to clarify,
 3 sorry, you were talking about the sentence
 4 starting with "Evidence"?
 5 MS. MURPHY: It's the very next
 6 sentence in that paragraph.
 7 MS. DeMASTER: Okay. Sorry.
 8 BY MS. MURPHY:
 9 Q I think the last sentence that you identified
 10 that you took issue with in this report is on
 11 Page 5 of 6 which said "No attendee of the
 12 October 5, 2022, meeting except Wolf provided
 13 evidence supporting Wolf's claim that the women
 14 demanded \$70,000 from the City." Did I read
 15 that accurately?
 16 A Yes.
 17 Q And, again, you recorded your interview with
 18 Attorney Hall, so that --
 19 A And I clearly told her at that meeting, just
 20 like I told you here, that I -- that they did
 21 demand money.
 22 Q And the audio recording will be the evidence of
 23 what you said during your interview with
 24 Ms. Hall, correct?
 25 A I guess.

1 you that Emily Rendall-Araujo could make
 2 complaints even if they were not true because
 3 she is female?
 4 A The first meeting.
 5 Q So in January of 2023 when he was in your
 6 office you claim that he made that statement?
 7 A Yes.
 8 Q Is there some reason you didn't make any notes
 9 of that meeting with Mr. Westbrook?
 10 A I can't -- I don't know.
 11 Q Did you have any e-mails with Mr. Westbrook
 12 following that meeting relating to those
 13 comments?
 14 A I don't know.
 15 Q Any other witness to that comment that can
 16 corroborate what you're saying?
 17 A I feel like I answered that question already,
 18 and the answer was no.
 19 Q Okay. Any other conduct that you allege
 20 Mr. Westbrook engaged in that was -- that
 21 created a hostile work environment for you?
 22 A I don't believe so.
 23 Q Okay. And the last paragraph in this table --
 24 well, the last one on Page 4 of your amended
 25 and supplemental answer to City's Interrogatory

1 Q Because you made that audio recording and you
 2 didn't alter it, right?
 3 A Correct.
 4 Q Okay. Have we discussed all of the meetings
 5 that you had with Mr. Westbrook where you
 6 discussed the racial slur incident or anything
 7 related to your allegations in this amended
 8 complaint?
 9 A I believe so.
 10 Q Okay. Which meeting do you claim Mr. Westbrook
 11 told you that you can't be discriminated
 12 against because you have no protected status?
 13 A The meeting with Veronica in Mr. Westbrook's
 14 office.
 15 Q And do you also claim that during that same
 16 meeting he told you that you did not engage in
 17 any protected conduct by complaining about
 18 hostility? Did that happen in the same
 19 meeting?
 20 A I believe so.
 21 Q And you also recorded that meeting, correct?
 22 A Yes.
 23 Q Did you alter that audio recording at all?
 24 A No.
 25 Q Okay. When do you allege Mr. Westbrook told

1 No. 4 you refer to an allegation that during
 2 your FMLA leave you believe others had access
 3 to information about your medical condition.
 4 Who do you -- who are you referring to when you
 5 say "others"?
 6 A People within the public.
 7 Q Who in the public?
 8 A Citizens.
 9 Q So you don't have any -- the identity of any
 10 citizen in particular that you believe had
 11 access to your FMLA information?
 12 A Well, a number of patients of my wife's had
 13 indicated that I was on FMLA and leave from the
 14 City, and I don't know who those are because of
 15 HIPAA.
 16 Q Is that the extent of information that you have
 17 to support your allegation that you believe
 18 others had access to information about your
 19 medical condition while you were on FMLA leave?
 20 A I did receive a card during that time from City
 21 Attorney Chuck Adams' wife to my house saying
 22 that I should -- that she hopes that everything
 23 is well and that I can come back soon.
 24 Q Anything else that you rely on to support that
 25 allegation?

1 others can. You testified earlier that you
2 never heard Ms. Rendall-Araujo make that
3 statement, correct?

4 A I'm not sure.

5 MS. MURPHY: Can you find that?

6 (Previous question and answer read.)

7 BY MS. MURPHY:

8 Q Okay. Does that refresh your recollection?

9 A Yes.

10 Q Did you complain to Mr. Wolf about Emily
11 saying, "White men of privilege can't repeat
12 slurs that others can"?

13 A Yes.

14 Q So you did that without ever having heard her
15 make that statement?

16 A Yes, because it was a narrative I heard in the
17 public.

18 Q Where did you hear this narrative in the
19 public?

20 MS. DeMASTER: Objection; asked and
21 answered.

22 THE WITNESS: As I stated previously,
23 through, I believe, Amanda Salazar and Mary
24 Lynne Donohue.

25 BY MS. MURPHY:

1 Q No, you said that Mr. Wolf told you that those
2 two made a statement that "White men of
3 privilege can't say things." Do we need to
4 check that testimony, too?

5 A You're correct.

6 Q Okay. So when did you complain to Mr. Wolf
7 that Emily was saying, "White men of privilege
8 can't repeat slurs that others can"?

9 A I can't give you the exact time.

10 Q Was it in September, October or November?

11 A I'm guessing it was before he was put on leave.

12 Q And what did he do about this complaint?

13 A He never reported to me what he did, so I don't
14 know.

15 Q So you don't know -- he could have done
16 something. You have no idea what he did with
17 your complaint, right?

18 A Correct.

19 Q Okay. Did you follow up with him on the
20 complaint?

21 A On the white men of privilege complaint?

22 Q Yeah, the one that you just said you made to
23 him.

24 A I mean, there was dialogue with him after that
25 about it, but I just --

1 Q What was the dialogue?

2 A Related to the fact that white men had more
3 privilege than other people and that we needed
4 to -- that him and I -- that there was a target
5 against us and that I needed to be -- watch
6 what I say.

7 Q What did you expect Mr. Wolf to do with your
8 complaint?

9 A Well, I had hoped that they were going to hire
10 this PR company to help clean up the narratives
11 and --

12 Q Do you believe he did anything to follow up on
13 any of the complaints you made to him?

14 A I can't answer that.

15 Q Is there some reason you didn't name him as a
16 defendant in this lawsuit?

17 A I can't answer that.

18 Q Well, it's your lawsuit. You can answer that.

19 A I don't know.

20 Q You don't know why you didn't name him?

21 A The main reason that I probably didn't name him
22 is because he was the only person that was
23 defending me in city hall during this whole
24 thing.

25 Q Do you believe he didn't do his job in relation

1 Q Who else?
 2 A Carrie Arenz.
 3 Q Who else?
 4 A Joe Folgers, the folks in the department,
 5 planning and development.
 6 Q Who else?
 7 A That's all I recall.
 8 Q What about Aaron Guenther?
 9 A We may have talked that there was a lawsuit
 10 filed, but I don't know that we got into any
 11 details.
 12 Q In your deposition on July 31st you said you
 13 discussed the allegations of your litigation
 14 and Mr. Wolf's litigation with him. Do you
 15 recall that?
 16 A Yes.
 17 Q And that you also discussed the allegations of
 18 your litigation and Mr. Wolf's litigation with
 19 Russ Otten. Do you recall that testimony?
 20 A Yes.
 21 Q Okay.
 22 A I just want to clarify that at the time I
 23 didn't realize what the definition of
 24 "allegations" was, and I didn't realize that it
 25 was everything in that entire complaint, but...

1 and expressions regarding Wolf, the report or
 2 allegations related to matters of public
 3 concern. Explain to me what you rely on to
 4 support your allegation that the false
 5 statements ordinance -- that the false
 6 statements ordinance has anything to do with
 7 the March 8th, 2023, e-mail that Mr. Westbrook
 8 sent?
 9 A Where did you read the --
 10 Q Paragraph 239.
 11 A And your question was?
 12 Q Tell me what information you rely on to support
 13 a contention that the false statements
 14 ordinance has anything to do with the March 8th
 15 e-mail.
 16 MS. DeMASTER: I'll object as to
 17 form, but you can answer if you know.
 18 THE WITNESS: I don't know.
 19 BY MS. MURPHY:
 20 Q Okay. You can look at Exhibit 25 which is a
 21 copy of the false statements ordinance, and
 22 also you have Exhibit 23 which is the
 23 March 8th, 2023, e-mail. Is there any
 24 reference in the March 8th, 2023, e-mail to any
 25 test that the City administered?

1 MS. DeMASTER: I want to -- could we
 2 pause real quick? Just so I don't have to
 3 object, you were saying that he talked to Russ
 4 and Aaron about the Wolf -- off the record.
 5 (Discussion off the record.)
 6 MS. MURPHY: We need to go back on
 7 the record.
 8 MS. DeMASTER: Okay. I'm going to
 9 object to the extent that it misstates the
 10 testimony from earlier in the deposition as to
 11 speaking about allegations in his complaint
 12 rather than another complaint.
 13 MS. MURPHY: Okay.
 14 BY MS. MURPHY:
 15 Q So is your testimony that you spoke with Russ
 16 Otten and Aaron Guenther about the Wolf
 17 litigation?
 18 A Yes.
 19 Q Did you speak with them about your litigation?
 20 A Yes.
 21 Q Okay. You allege in Paragraph 239 of your
 22 amended complaint that the City's arbitrary and
 23 discriminatory enforcement of their false
 24 statements policies justified their March 8th
 25 directive that chilled your protected speech

1 A I don't believe so.
 2 Q Is there any reference in the March 8th, 2023,
 3 e-mail to any certification that the City
 4 provided?
 5 A I don't believe so.
 6 Q Is there any reference in the March 8th, 2023,
 7 e-mail to any appointment made by the City?
 8 A I'm not going to answer that, again, because I
 9 don't know what the word "appointment" means.
 10 Q Well, people are appointed to positions,
 11 correct, by the City?
 12 A Yes.
 13 Q Is there any reference to any appointment to
 14 any position by the City in that March 8th,
 15 2023, e-mail?
 16 A I don't believe so.
 17 Q Is there any reference in that e-mail to any
 18 attempt to commit fraud?
 19 A Because it states that in that policy?
 20 Q Yep.
 21 A I don't know. I don't believe so.
 22 Q Okay. So I want you to look at Paragraph
 23 241 -- I think part of this might be the answer
 24 to it -- in your amended complaint which reads
 25 "The February and March 8 directives burdened

1 anything.
 2 Q Where in the March 8th e-mail does it say you
 3 can't talk about the report? Because a moment
 4 ago you just testified that there was no
 5 language that prohibited you from speaking to
 6 anyone other than former City Administrator
 7 Wolf and his attorney.
 8 A It does not state that.
 9 Q Okay. So are you able to identify any
 10 reputational injuries that you suffered as a
 11 result of the February 7th e-mail or the
 12 March 8th e-mail?
 13 A I'm not sure.
 14 Q I need a yes or a no answer to that because you
 15 allege that you sustained reputational
 16 injuries. I need to know what they are.
 17 A I'd have to say no.
 18 Q What other injuries are you referring to
 19 that -- or do you allege you sustained as a
 20 result of the First Amendment violations you
 21 allege based on these two e-mails on
 22 February 7th and March 8th?
 23 A I don't know.
 24 Q What?
 25 A I don't know.

1 Q You believe yes, that you -- that you cannot
 2 identify any damages that you suffered as a
 3 result of these e-mails?
 4 A Correct.
 5 Q Okay.
 6 MS. MURPHY: I believe we are done.
 7 MS. DeMASTER: I'm just going to
 8 object as to form, and I do have a couple of
 9 follow-up questions.
 10 MS. MURPHY: All right.
 11 EXAMINATION
 12 BY MS. DeMASTER:
 13 Q Chad, I just have a couple follow-up clarifying
 14 questions here. You still have those March 8th
 15 directives, correct?
 16 A Yes.
 17 Q I'm just reading this last point on the first
 18 page, No. 2, bottom of Page 1. "If you are
 19 asked by staff members or employees about what
 20 is happening, this report is a public record,
 21 and I encourage you to encourage them to read
 22 the documents themselves." Do you see that?
 23 A Yep.
 24 Q All right. And is there anything about that
 25 sentence that concerned you given your

1 Q Okay. Can you identify any injuries that you
 2 sustained as a result of those two e-mails?
 3 MS. DeMASTER: Object as to the form
 4 of the question.
 5 THE WITNESS: I've stated before it
 6 goes back to the release of the report and it
 7 goes back to the fact that there was the false
 8 narratives and the emotional injuries that were
 9 tied to that.
 10 BY MS. MURPHY:
 11 Q None of which relate to either of these two
 12 e-mails; is that correct?
 13 MS. DeMASTER: Objection. This has
 14 been asked and answered.
 15 THE WITNESS: I guess, yes.
 16 BY MS. MURPHY:
 17 Q Okay. So you cannot identify any injuries that
 18 you sustained as a result of the February 7,
 19 2023, e-mail or the March 8, 2023, e-mail; is
 20 that correct?
 21 MS. DeMASTER: Objection; misstates
 22 the testimony.
 23 MS. MURPHY: No, it doesn't.
 24 THE WITNESS: I believe yes.
 25 BY MS. MURPHY:

1 conversations with Adam Westbrook about the
 2 report?
 3 A Yes, because I believe the report contains
 4 false information and people would have to read
 5 the report and make their own interpretation of
 6 what's in the report.
 7 Q Is there anything in these directives or in
 8 this March 8th e-mail here -- and it's
 9 Exhibit -- Defendant Exhibit 23 -- is there
 10 anything in here that says that you can dispute
 11 the factual findings of the report if anybody
 12 asks you what's going on?
 13 A No.
 14 Q Did you feel when you saw these that you could
 15 dispute that report?
 16 A Absolutely not.
 17 Q Did you feel that report as written hurt your
 18 reputation?
 19 A Absolutely.
 20 Q Would you consider that a reputational injury?
 21 A Yes.
 22 Q I just have a couple more. You said in the
 23 beginning of this deposition -- sorry -- that
 24 your salary was \$130,000 when you left the City
 25 of Sheboygan; is that correct?

1 A I believe so, yes.
 2 Q Is that the exact amount? Do you know the
 3 exact amount?
 4 A I do not.
 5 Q Is it fair to say that that was an estimate?
 6 A Yes.
 7 Q Okay. You testified before about applying to
 8 jobs outside of Wisconsin, and you said you
 9 applied to one, though, correct?
 10 A Yes.
 11 Q Have you ever had a lot of experience living or
 12 working outside of Wisconsin?
 13 A No, I've only lived in Wisconsin.
 14 Q Any experience working outside of Wisconsin?
 15 A No.
 16 Q Was it scary to apply for jobs outside of
 17 Wisconsin?
 18 A Absolutely.
 19 Q You had stated earlier that -- I just wanted to
 20 kind of clarify this. Attorney Murphy and you
 21 had talked a lot about evidence. She asked you
 22 a lot of questions based on evidence. "What
 23 evidence is there of this?" "What evidence is
 24 there of that?" "Do you have any evidence?"
 25 Do you recall those questions going through

1 years that you've potentially provided to your
 2 attorney or --
 3 A No.
 4 Q Do you know which of those documents might
 5 constitute evidence?
 6 A Not knowing what the definition of that word
 7 is, no.
 8 Q Do you know what kind of evidence we're going
 9 to show at trial in this case?
 10 A No.
 11 Q Do you know exactly which evidence you're going
 12 to show at trial in this case?
 13 A No.
 14 Q So going back to that February 7th letter
 15 [sic], that was a letter -- we referenced that.
 16 I believe it was marked as Defendant
 17 Exhibit 27. You talked about that a lot with
 18 Attorney Murphy, and I just real quickly wanted
 19 to clarify. That was the letter about the Todd
 20 Wolf lawsuit, not talking to Todd Wolf or his
 21 attorney. Is Todd Wolf the first employee or
 22 former employee to ever sue the City of
 23 Sheboygan?
 24 A No.
 25 Q Do you remember, like, in recent years if

1 your interrogatory responses?
 2 A Yes.
 3 Q Okay. Are you a lawyer?
 4 A No.
 5 Q Have you ever taken a law class?
 6 A No.
 7 Q Have you ever attended law school?
 8 A No.
 9 Q Have you ever been trained on being a lawyer or
 10 understanding legal terminology?
 11 A No.
 12 Q Did you draft and write every single question
 13 and discovery response?
 14 A No.
 15 Q But you reviewed them?
 16 A Yes.
 17 Q Okay. So did you understand -- did you
 18 understand what you were talking about when
 19 referencing something such as evidence or how
 20 much evidence you have to support certain
 21 allegations?
 22 A No, because it -- it seems like a legal term.
 23 Q A legal term. And before your deposition here
 24 today have you been able to review every single
 25 document over the last two, two and a half

1 another former department head or somebody had
 2 sued Sheboygan?
 3 A Let me just re-clarify the question. Are you
 4 asking if there's -- if there's been other
 5 department heads that have sued the City or --
 6 Q Just any other employee in recent years.
 7 A There's been other employee lawsuits.
 8 Q Was that kind of directive issued against any
 9 of those employees?
 10 A No.
 11 Q Were any of those employees female?
 12 A Yes.
 13 Q So that directive wasn't issued against any
 14 other female employees who had sued the City?
 15 A No.
 16 Q Did you ever see a directive similar to that
 17 before the Todd Wolf lawsuit?
 18 A Absolutely not, and I had been there for 16
 19 years.
 20 Q We talked a little bit about your -- how you're
 21 not a lawyer. Just real quickly, are you an
 22 expert or a professional in matters of human
 23 resources?
 24 A No.
 25 Q Or, you know, employee personnel?

1 you any training on what confidential
2 information is?

3 A No. I mean, I knew what confidentiality meant
4 related to closed session discussions, but
5 anything related to personnel policies and
6 different things, no.

7 Q So just to clarify, you stated earlier -- and I
8 think there was some confusion -- we talked
9 about I think your litigation or the Wolf
10 litigation, and you stated you had talked about
11 the litigation to Aaron Guenther, Russ Otten.
12 You stated that with Attorney Murphy. When you
13 answered that, did you know what "litigation"
14 means?

15 A No.

16 Q So what were you referring to? Let me scratch
17 that and clarify.

18 Were you -- did Todd Wolf file his
19 lawsuit publicly?

20 A Yes.

21 Q Was there an article about it in the newspaper?

22 A I believe so, yes.

23 Q Was your lawsuit filed publicly?

24 A Yes.

25 Q So when you talk about "litigation," do you

1 acknowledge that the Fehr Graham environmental
2 job was also, I believe, a local job. They
3 have a local Sheboygan office, and I believe
4 that they may have known about the narratives
5 related to that as well because I never got a
6 job offer.

7 Q I believe earlier you had said something about
8 health issues or other things like that. Can
9 you clarify a little bit any physical injuries
10 you've had as a result of your --

11 A Sure. So I've -- I've -- well, besides the
12 loss of sleep and issues with my wife and my
13 family, I've had low testosterone and hair loss
14 and anxiety and panic attacks. I have high
15 blood pressure.

16 Q And all of that started when all of this
17 started going on at the City?

18 A Yes.

19 Q You had testified earlier in the deposition
20 when talking about one of the articles that it
21 was a false narrative and something about you
22 repeating a racial slur. Can you clarify, is
23 that the only injury you're alleging, or
24 what -- what happened to you? Is it just about
25 an article or --

1 remember what you talked about?

2 A We talked about the fact that there was a
3 lawsuit filed in the Eastern District of
4 Wisconsin Federal Court.

5 Q A couple more. I'm almost done. You stated
6 earlier in your deposition that there was
7 nothing preventing you from applying to closer
8 jobs. What did you mean by that?

9 A I meant that there was -- that if there was a
10 job that opened up that -- that was comparable
11 to the jobs that I've held before and were
12 comparable compensation and didn't require
13 relocation of my family or anything I would --
14 I would have applied for them.

15 Q So are you saying that there were no --

16 A At the time when I was applying there were no
17 jobs comparable within the local market.

18 Q Did you try -- did you try to find any work,
19 say, with the County of Sheboygan?

20 A I did.

21 Q And what happened?

22 A I was going to be a contracted grant writer,
23 and they declined that -- they had -- they had
24 an interest in doing it, and then they declined
25 it and did not hire me. I should also

1 A Well, it's the fact that it -- it implied that
2 I was a racist and that it was -- that I was
3 reporting on racism, but there was never any
4 context shared to -- shared to the community of
5 what actually happened.

6 Q Thanks for saying that. You had mentioned
7 context. You stated earlier you read this
8 article there. The article that I believe was
9 marked as Exhibit -- it's either Exhibit 18
10 or 19, one of those two. And you saw that
11 article; you talked about it earlier, correct?

12 A Yes.

13 Q When those articles first came out, is that
14 what the article looked like, or did you have
15 it in any other format? Did you ever get it in
16 any other format?

17 A I believe one of those articles was edited, and
18 I did get it in a different format.

19 Q What format was that?

20 A Well, I believe the online version was
21 different than the printed version.

22 Q Do you still have a copy of the printed
23 version?

24 A I believe I do, yes.

25 Q And so talk about the context of the article.

1 When you were going through that earlier in
 2 your deposition you -- it mentioned that -- it
 3 did -- the reporter in there did talk about how
 4 you were reporting a racism incident that had
 5 happened, correct?
 6 A Correct.
 7 Q Okay. Going back to August 22nd, would you
 8 have ever said the slur if you hadn't been
 9 asked by Emily Rendall-Araujo?
 10 A Absolutely not. I don't look at myself as
 11 being a racist, and I was doing what I thought
 12 was right to help an employee who asked for
 13 help from a neighborhood meeting and to help
 14 the neighborhood meetings.
 15 Q So to be clear, the only reason that that word
 16 was uttered was because you believed you were
 17 asked by Emily?
 18 A That is correct.
 19 Q Is that context that you wish would come out?
 20 A Yes.
 21 Q Was that context provided in those articles?
 22 A No.
 23 Q Was it provided anywhere in the Sheboygan Press
 24 or in the Jill Hall report that you were
 25 asked -- you believed you were asked to repeat

1 I didn't stop seeing a therapist because I was
 2 doing better. I stopped seeing a therapist
 3 frankly because I was working 40 miles away
 4 from Sheboygan and there was just -- it was
 5 very difficult to get back for appointments and
 6 to continue on with the appointments the way
 7 they were going, so I asked to stop the
 8 appointments because I was committed to a new
 9 job and I didn't want to have to take vacation
 10 and leave early every week or twice a week to
 11 fulfill the requirements of these appointments.
 12 Q Now, you did say, though, in your earlier
 13 deposition testimony that you -- you were
 14 feeling a little better in December of '23;
 15 isn't that right?
 16 A I was feeling a little bit better because I had
 17 gotten a different job and I was working away
 18 from the Sheboygan area and the job was going
 19 well.
 20 Q Do you think you're going to -- that you may
 21 need therapy now, that things might be
 22 different, or are you going to go back to
 23 therapy?
 24 A Yes, because it's -- it's bringing it all back
 25 out again, and it's been very difficult for me.

1 the slur?
 2 A No, it was not. No. Well, it was asked -- it
 3 was asked in those articles for me to repeat
 4 the -- that I repeated the slur, but it was
 5 never given the context that I was reporting
 6 racism and helping an employee who asked for
 7 help.
 8 Q How did it feel when you left the management
 9 meeting and learned that people in the public
 10 were starting to hear this? Did you feel bad
 11 for repeating it?
 12 A I went back to my office and cried in front of
 13 my staff.
 14 Q How did it feel that it kept being brought up
 15 over and over?
 16 A It was -- it was terrible. To this day I still
 17 can't -- it haunts me every day, and it haunts
 18 me every day that I go out into the public in
 19 Sheboygan, and it's -- it's been terrible for
 20 me and my family and --
 21 Q Just one more. You had stated that you were
 22 feeling better and stopped seeing a therapist
 23 in December of 2023. Does that still remain
 24 true or --
 25 A I did state that I stopped seeing a therapist.

1 I've cried in front of department heads, and I
 2 hate to cry in front of former colleagues, but
 3 I guess that's the way it is.
 4 Q I'm sorry to make you cry. I just have one
 5 thing left. A few weeks ago you got a -- you
 6 were -- you saw some records that were provided
 7 by your former therapist, Life Point
 8 Counseling, to MWH Law Group relating to this
 9 litigation. Do you remember seeing a copy of
 10 those?
 11 A Yes.
 12 Q Is there anything about those -- some of those
 13 records that you -- that stood out to you?
 14 A Yes. I don't think they're accurate.
 15 Q What do you mean they're not accurate?
 16 A I don't believe that the surveys in those
 17 documents are related to me, and I think it's
 18 somebody else's writing that took them, and
 19 those surveys were never provided to me from
 20 this Life Point when I requested the medical
 21 records, but they were provided to the City's
 22 legal counsel, and they were provided without
 23 my permission because I never signed a
 24 disclosure releasing them.
 25 Q Is that your handwriting on those surveys?